

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Allied Construction Industries,	:	Case No. 1:14-cv-00450-MRB
	:	
Plaintiff,	:	
	:	Judge Michael R. Barrett
v.	:	
	:	
City of Cincinnati,	:	
	:	
Defendant.	:	
	:	

DECLARATION OF JOLENE KRAMER IN SUPPORT OF INTERVENOR

LOCAL 265'S MOTION FOR SUMMARY JUDGMENT

I, Jolene Kramer, hereby declare that:

1. I am an attorney at law admitted *pro hac vice* to practice before this Court. I am an attorney with the law firm of Weinberg, Roger & Rosenfeld, PC, co-counsel for Intervenor Local 265 of the Laborers International Union of North America ("Local 265") in the above-referenced matter. I make this declaration based upon my personal knowledge, and, if called as a witness, I could and would competently testify to the facts hereinafter stated.

2. On June 26, 2012, the Cincinnati City Council passed Ordinance No. 282-2012, codified at Chapter 320 of the Cincinnati Municipal Code. Concurrently with this Motion, Local 265 has filed a Request for Judicial Notice of Ordinance No. 282-2012, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of Ordinance No. 282-2012 is also attached hereto as **Exhibit A**.

3. On May 1, 2013, the City Council passed Ordinance No. 114-2013, which amended certain sections Chapter 320 of the Cincinnati Municipal Code. Concurrently with this Motion, Local 265 has filed a Request for Judicial Notice of Ordinance No. 114-2013, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of Ordinance No. 114-

2013 is also attached hereto as **Exhibit B**.

4. Ordinance No. 114-2013 references a *Cincinnati Enquirer* article published on March 12, 2013. Concurrently with this Motion, Local 265 has filed a Request for Judicial Notice of the article, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of the article dated March 12, 2013 is attached hereto as **Exhibit C**.

5. Local 265 served Requests for Admission on ACI, to which ACI responded. A true and correct copy of ACI's Responses to Local 265's Requests for Admission dated September 9, 2015 is attached hereto as **Exhibit D**.

6. ACI later amended its responses to Local 265's Requests for Admission. A true and correct copy of ACI's Amended Responses to Local 265's Requests for Admission dated October 14, 2015 is attached hereto as **Exhibit E**.

7. The City served Requests for Admission, Requests for Production and Interrogatories on ACI, to which ACI responded. A true and correct copy of ACI's responses to the City's Requests for Admission, Requests for Production and Interrogatories dated September 15, 2015 is attached hereto as **Exhibit F**.

8. Local 265 served Requests for Production on ACI, to which ACI responded. ACI's response is not titled correctly. It is titled as Responses to Requests for Admission and Interrogatories, rather than Responses to Requests for Production. A true and correct copy of ACI's Responses to Local 265's Requests for Production dated October 7, 2015 is attached hereto as **Exhibit G**.

9. Local 265 served Requests for Admission, Requests for Production and Interrogatories on the City, to which the City responded. A true and correct copy of the City's Responses to Local 265's Requests for Admission, Requests for Production and Interrogatories dated October 5, 2015 is attached hereto as **Exhibit H**.

10. The City designated as its sole expert witness an attorney named Andrew Jacobs. The City and Local 265 took Mr. Jacobs's deposition on October 8, 2015. A true and correct copy of relevant pages of Mr. Jacobs's deposition is attached hereto as **Exhibit I**.

11. On September 4, 2013, the Associated General Contractors (“AGC”) issued a press release titled Seventy-Four Percent of Construction Firms Report Having Trouble Finding Qualified Workers Amid Growing Labor Shortages,” available at <https://www.agc.org/news/2013/09/04/seventy-four-percent-construction-firms-report-having-trouble-finding-qualified> (last visited December 17, 2015). Concurrently with this Motion, Local 265 has filed a Request for Judicial Notice of the AGC press release, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of the AGC press release dated September 4, 2013 is also attached hereto as **Exhibit J**.

12. On the “About” page on its website, ACI identifies itself as an “umbrella to twelve partnership associations, including the Cincinnati Division of the Associated General Contractors (AGC) of Ohio.” Concurrently with this motion, Local 265 has filed a Request for Judicial Notice of the “About” page of the ACI website, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of the “About” page of the website, accessed on December 14, 2015, is also attached hereto as **Exhibit K**.

13. On the “AGC Locations” page on its website, AGC indicates that it is a trade association of construction contractors, and identifies ACI as the “Cincinnati AGC.” Concurrently with this motion, Local 265 has filed a Request for Judicial Notice of the “AGC Locations” page of the AGC’s website, pursuant to Rule 201 of the Federal Rules of Evidence. A true and correct copy of the “AGC Locations” page of the website, accessed on December 14, 2015, is also attached hereto as **Exhibit L**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and if called as a witness I could and would testify competently thereto.

Executed on December 18, 2015, in Alameda, California.

JOLENE KRAMER

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ Jolene E. Kramer

JOLENE E. KRAMER, *pro hac vice*
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